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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

Case No. 2:16-CR-327 JCM (GWF)

8 Plaintiff(s),

ORDER

9 v.

10 BENJAMIN MCCARTY,

11 Defendant(s).

12  
13 Presently before the court is the government's motion to dismiss. (ECF No. 30). Defendant  
14 Benjamin McCarty filed a response. (ECF No. 31). The government did not file a reply and the  
15 time to do so has passed.

16 Also before the court is the defendant's motion to dismiss. (ECF No. 29). The government  
17 did not file a response and the time to do so has passed.

18 On September 12, 2017, defendant entered into a pretrial diversion agreement ("PDA")  
19 under which defendant was subject to pretrial supervision for a period of 18 months. (ECF No.  
20 28). The PDA provides that the government will not prosecute the charges in the indictment if  
defendant successfully completes the program. *Id.*

21 The parties represent that on March 11, 2019, the U.S. Pretrial Services Office reported  
22 that defendant successfully completed the program and recommended termination. (ECF Nos. 29,  
23 30, 31). Good cause appearing, the court will dismiss the indictment pursuant to Federal Rule of  
24 Criminal Procedure 48(a).

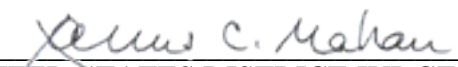
25 Accordingly,

26 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the government's motion  
to dismiss (ECF No. 30) be, and the same hereby is, GRANTED.

27 IT IS FURTHER ORDERED that defendant's motion (ECF No. 29) be, and the same  
28 hereby is, DENIED as moot.

1 The clerk shall close the case accordingly.

2 DATED March 26, 2019.

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4 UNITED STATES DISTRICT JUDGE